IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 16TH NOVEMBER 2006 / 25TH KARTHIKA 1928

WP(C).No. 30268 of 2006(C)

PETITIONER:

VISWANATHAN,S/O.KESAVAN, AGED 69,
PUTHENPARAMBIL VEETTIL, MAMBARA, KAKKAD,
PERUNAD, PATHANAMTHITTA.

BY ADV. SRI.M.NARENDRA KUMAR
SMT.LEENA KRISHNAN

RESPONDENTS:
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1. RANNI PERUNAD GRAMA PANCHAYAT,
REPRESENTED BY ITS, SECRETARY.

2. P.S.SATHEESAN,
MANGALODAYAM, PERINADU, PATHANAMTHITTA.

3. DEPUTY DIRECTOR OF PANCHAYAT,
PATHANAMTHITTA.

BY SRI.JOHNSON P.JOHN, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE,J.

W.P.(C) NO. 30268 OF 2006

Dated this the 16th day of November, 2006

J U D G M E N T

The grievance of the petitioner who has properties near to those owned by the 2nd respondent is that even though the 2nd respondent has been prohibitted under Exhibit P2 from continuing with the construction on his property in a manner as to violate Section 220(b) of the Panchayat Raj Act, 2nd respondent is continuing with the construction. The petitioner approached the District Collector with Exhibit P6 complaint and the District Collector under Exhibit P7 forwarded Exhibit P6 to the 3rd respondent Deputy Director of Panchayat.

2. Mr.M.Narendra Kumar, counsel for the petitioner submits that the 3rd respondent is yet to take a decision. Sri.Mathew George Vadakkel, learned Government pleader submits that he should be given time for getting instructions from the 3rd respondent. However, since it is clear from Exhibit P7 that the original of Exhibit P6 has been forwarded by the District Collector to the Deputy Director on 04.11.2006 itself, I am of the view that this writ petition can be disposed of even without

waiting for instructions from the 3rd respondent. Accordingly, writ petition will stand disposed of with the following directions:

The 3rd respondent will immediately take up the original of Exhibit P6 forwarded to him by the District Collector as per Exhibit P7, issue notice to the 2nd respondent, seek remarks from the 1st respondent Panchayat, hear the petitioner and the 2nd respondent and take a correct and just decision on Exhibit P6 complaint. This the 3rd respondent will do within one month of receiving copy of this judgment together with copies of the various exhibits relied on by the petitioner in this case. It is made clear that any construction put up by the 2nd respondent in violation of Exhibit P2 (if Exhibit P2 remains in force) will be at the risk of the 2nd respondent and in the event of the 3rd respondent deciding Exhibit P6 against the 2nd respondent, he will become liable to remove those constructions.

PIUS C.KURIAKOSE, JUDGE

Rp